

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

| | | |
|-----------------------------|---|-----------------------------|
| JOHN CHAVERS, |) | NO. CV-04-234-MWL |
| |) | |
| Plaintiff, |) | ORDER DENYING DEFENDANT |
| |) | HUTTON'S RULE 54(b)6 MOTION |
| vs. |) | |
| |) | |
| WASHINGTON STATE DEPARTMENT |) | |
| OF CORRECTIONS, et. al., |) | |
| |) | |
| Defendants. |) | |

Defendant Hutton moved for final judgment pursuant to Fed. R. Civ. P. 54(b). (**Ct. Rec. 37.**) Plaintiff opposes the motion. (Ct. Rec. 39.) Defendant filed a reply. (Ct. Rec. 40.) The matter came before the Court on July 18, 2005 without oral argument.

After considering the pleadings and file, the Court finds that no exceptional circumstances are present warranting Rule 54(b) certification. Accordingly,

IT IS ORDERED that Defendant Hutton's 54(b) motion for entry of final judgment is **DENIED**.

DATED this 22nd day of July, 2005.

s/ Michael W. Leavitt

MICHAEL W. LEAVITT
UNITED STATES MAGISTRATE JUDGE